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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,511	03/30/2001	Srinivas Kandala	8371-119	8707
46404 7590 06/18/2007 MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT 2141	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/823,511

Applicant(s)

KANDALA, SRINIVAS

Examiner

Kristie D. Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

Per Applicant's Request for Continued Examination

Claims 1, 5, 11, 15 and 25 have been amended.

Claims 1-30 are pending.

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/2007 has been entered.

Claim Rejections - 35 USC § 112

II. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

III. **Claims 1, 5, 11, 15 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.**

The above claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 5, 11, 15 and

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25 have been amended with the limitations: “where the first peripheral device and the second peripheral device do not directly wirelessly communicate with each other; and where the first peripheral device and the second peripheral device are not configured to transmit a rescheduling frame” which are not supported by Applicant’s specification. Furthermore these limitations are negative limitations that are immaterial to the scope and functionality of Applicant’s invention. Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

V. **Claims 1, 5, 6, 8, 9, 11, 15, 16, 18, 19, 21, 25, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Young et al* (US 6,600,754) in view of *Morris et al* (US 2002/0046381) and *Ho et al* (US 7,039,032).**

a. **Per claim 5, *Young et al* teach the device comprising:**

- a memory (*col.2 lines 60-62*); and
- a processor coupled with the memory, the processor adapted to: wirelessly transmit a reservation request to a first device for wireless communications with the first device (*col.3 lines 8-20, col.5 lines 7-64, col.7 lines 17-50, col.9 lines 18-28—transmission of slot reservation schedule to nodes*);
- during the first time window, wirelessly receive a rescheduling frame, where the rescheduling frame is received only if the data exchange between the first device and the second device is completed before the end time of the first time window,

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and not received at other times (*col.13 lines 15-21—standbyfree bootstrap packet is received only if the second node has an unused time slot*);

- in response to the rescheduling frame, dynamically reset the start time of the second time window to begin before the end time of the first time window (*col.9 lines 23-28, col.13 lines 15-21*); and
- before the end time of the first time window, wirelessly exchange data with the first device (*col.9 lines 23-28, col.13 lines 15-21*);
- where the device and the first device do not directly wirelessly communicate with each other; and where the device and the first device are not configured to transmit a rescheduling frame (*col.1 lines 22-65*).

Morris et al further teach the use of a remote station's idle time slots by other remote stations and reassignment of the scheduled slot time (*page 3 paragraph 0028; page paragraph 0102; pages 13-14 paragraphs 0123-0128; page 14 paragraph 0134*). *Young et al* and *Morris et al* both teach distributing station/node assignment schedules, yet, *Young et al* and *Morris et al* fail to explicitly disclose wirelessly receiving a multi-poll scheduling frame and decoding from the multi-poll scheduling frame a schedule for wireless communications, the schedule specifying a start time and an end time for a first time window, the schedule specifying a start time and an end time for a second time window, the second time window after and not overlapping the first time window, the first time window for data exchange between the first device and a second device, the second time window for data exchange between the first device and the device. However, *Ho et al* teach the device wirelessly receiving a multi-poll scheduling frame wherein the schedule is wirelessly communicated to peripheral stations indicating the permissible non-conflicting start and end time for data exchange (*col.3 lines 3-18, col.20 lines 4-55, col.22 line 28-col.23 line 4, col.23 lines 29-57*).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Young et al* and *Morris et al* with *Ho et al* for wirelessly communicating the scheduling frame to the requesting device in order to indicate the specified reserved time period for it device to exchange data with the desired device. This is a common technique used in the art in order to efficiently schedule communication with multiple devices via channels, for the purpose of organizing communication reservation request and reserving the necessary resources for the requested data communication thereby eliminating conflicting/colliding transmissions or over-scheduling.

b. **Claims 1, 11, 15, 21 and 25** contain limitations that are substantially similar to claim 5 and are therefore rejected under the same basis.

c. **Per claims 6, 16 and 26**, *Young et al* and *Morris et al* with *Ho et al* teach the device of claim 5, *Young et al* further teach the device wherein the second time window is rescheduled to start immediately after the rescheduling frame (*col.9 lines 23-28, col.13 lines 15-21; Morris et al—page 3 paragraph 0028; page paragraph 0102; page 13 paragraphs 0123-0127*).

d. **Per claims 8, 18 and 28**, *Young et al* and *Morris et al* with *Ho et al* teach the device of claim 5, *Ho et al* further teach the device wherein the processor is further adapted to: decode from the received multi-poll scheduling frame periodicity data about alternating the first time window and the second time window (*col.22 line 28-col.23 line 4, col.23 lines 29-57; Morris et al—page 2 paragraph 0027; page 3 paragraph 0032; page 10 paragraph 0095*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Young et al* and *Morris et al* with *Ho et al* for scheduling the time

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windows according to a periodicity cycle to provide a defined and recurring scheduled time for nodes to communicate.

e. **Claims 9, 19 and 29** are substantially similar to claims 6, 16 and 26 respectively, and are therefore rejected under the same basis.

VI. **Claims 2, 7, 10, 12, 17, 20, 22, 27 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Young et al* (US 6,600,754) in view of *Morris et al* (US 2002/0046381) and *Ho et al* (US 7,039,032) in further view of *Kamel et al* (US 6,374,103).

a. **Per claim 2**, *Young et al* and *Morris et al* with *Ho et al* teach the device of claim 1, as applied above. *Young et al* teaches a standby free bootstrap frame (*col.13 lines 15-21*) and *Morris et al* teaches an unused/vacant frame (*pages 13-14 paragraphs 0123-0128*), yet fail to explicitly teach the device wherein the rescheduling frame is a null frame. However, *Kamel et al* teach time slots filled with null messages for the mobile devices (*Abstract, col.1 line 46-col.2 line 6 and col.2 line 48-col.3 line 65*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the multi-polling, dynamic scheduling and rescheduling teachings of *Young et al*, *Morris et al* and *Ho et al* with *Kamel et al* for permitting a null frame in the time slot of the rescheduling process of the transmission to the mobile device for selectively or dynamically filling the frame with a timing value.

b. **Claims 7, 10, 12, 17, 20, 22, 27 and 30** are substantially similar to claim 2 and are therefore rejected under the same basis.

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VII. Claims 3, 4, 13, 14, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Young et al* (US 6,600,754) in view of *Morris et al* (US 2002/0046381) and *Ho et al* (US 7,039,032) with *Kamel et al* (US 6,374,103), in further view of *Cohen* (US 6,332,153).

a. **Per claims 3, 13 and 23, *Young et al*, *Morris et al* and *Ho et al* with *Kamel et al*** teach the device of claim 1, yet fail to explicitly teach the device, wherein the generated schedule provides for exchanging data with only the second peripheral device during a second time windows and that the second time window alternate with the first time window according to a periodicity, and the processor is further adopted to: encode data about the periodicity in the multi-poll scheduling frame. However, *Cohen* teaches exchanging data only with the second device during a predetermined time period and subsequently alternating communication with the second device and the first device periodically while updating indicia identifying the current transmitting device (*col.2 lines 2-47, col.6 lines 11-28*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the multi-polling, scheduling and rescheduling teachings of *Young et al*, *Morris et al*, *Ho et al* and *Kamel et al* with *Cohen* for permitting periodically alternating the time period for exchanging data with the first device and with the second because this allows for a fixed schedule to be maintained with both devices based on their communication tendency and frequency for exchanging data.

b. **Claims 4, 14 and 24** are substantially similar to claim 2 and are therefore rejected under the same basis.

Conclusion

VIII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Jones et al (6,003,061 and 6,584,489), Dail et al (5,953,344), Papadopoulos et al (5,594,720), Wegrzyn (5,729,540), Janky et al (6,512,928), Drakopoulos et al (5,506,848).

IX. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

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